

# **The Individualized Education Program**

## **A Special Educator's Guide to the Individualized Education Plan Process**



**Prepared by the Montana Office of Public Instruction  
Linda McCulloch, Superintendent  
Division of Special Education  
PO Box 202501  
Helena, MT 59620-2501**

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This guide is intended to help special education teachers with developing and writing Individualized Education Programs (IEPs). The guide is not intended to answer every possible question regarding IEPs, but to provide answers and examples for general questions about the IEP process and forms.

This guide was updated in August 2002 to reflect changes in IEP forms. This is version two of the guide.

If you have questions regarding the IEP process after reviewing this guide, please contact the Division of Special Education at 444-5661.

Comments, additional questions or suggestions regarding this guide may be sent to:

[ddoty@state.mt.us](mailto:ddoty@state.mt.us)

or

IEP Guide Changes  
Montana Office of Public Instruction  
Division of Special Education  
PO Box 202501  
Helena, MT 59620-2501

Please visit our website at:

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# **Common Questions About the IEP Form**

Following some questions are references to federal (CFR) and/or state (ARM) rules and regulations that you should review for more detailed information.

<b>STUDENT INFORMATION</b>						
Student's Name	Initials	Birth Date	Age	Sex	Grade	Today's Date
Parent/Guardian Name	Parent/Guardian Address				Home Phone	
					Work Phone	
School	Next Comprehensive Reevaluation Date					
IEP Manager and Phone Number			Duration of IEP From: _____ To: _____			

- 1. Can the “Duration of the IEP” be for less than twelve months? For example, if an IEP team wishes to review an IEP and make changes at the end of a school year, can the duration of the IEP be from 10/1/02 to 5/31/03?**

An IEP may have a duration of no more than twelve months. However, at the beginning of each school year, an IEP must be in effect for each child with a disability. The IEP must be in effect before special education and related services are provided to an eligible child. If the IEP team is unable to meet (due to scheduling conflicts or for other reasons), prior to the end of the school year, the district will not have an IEP in effect for that student at the beginning of the following school year. A better plan is to schedule the duration of the IEP for twelve months, since the IEP team may meet at any time within the duration of the IEP to review and revise the IEP.

[CFR 300.342 When IEPs must be in effect](#)  
[CFR 300.343 IEP meetings](#)

<b>Optional Child Count Information</b>	
Disability Category	Race and Ethnicity

- 2. What do we do if the parent refuses to provide this information about Race and Ethnicity?**

This area of the IEP form is optional and the information does not need to be included.

- 3. How do we determine a student's Race?**

That information should be provided by the student or the student's parents.

- 4. The form asks for a “Disability Category.” How should this information be entered for a student who has multiple disabilities?**

Include each of the disabilities identified in the student's current Child Study Team report.

## STUDENT'S STRENGTHS, PROGRESS, AND NEEDS

Summarize information from the parents and staff regarding strengths of the child and progress toward previous goals and objectives. State concerns and/or needs for enhancing the education of the child. Include the parent's perspective and insight pertaining to their child's learning strategies, social skills, interests, and any existing medical diagnoses that are important contributions to creating a description of the whole student. Consider the results of the most recent evaluations and, as appropriate, the results of the child's performance on any state or districtwide assessment programs.

**Strengths-Parents:** \_\_\_\_\_  
**Student:** \_\_\_\_\_  
**School Staff:** \_\_\_\_\_

### **Progress on Previous Interventions or Previous Goals and Objectives-**

**Parents:** \_\_\_\_\_  
**Student:** \_\_\_\_\_  
**School Staff:** \_\_\_\_\_

**Needs/Concerns-Parents:** \_\_\_\_\_  
**Student:** \_\_\_\_\_  
**School Staff:** \_\_\_\_\_

### **5. How do we include information from parents if they do not attend the IEP?**

This area of the IEP form can include information that was obtained from parents prior to the IEP meeting, as well as at the IEP meeting. Information might be gathered from discussion with parents, as well as from parent surveys or other methods.

### **6. Is it necessary to complete the section "Progress on Previous Interventions or Previous Goals and Objectives" for an initial IEP?**

It is not required, but by documenting the effects of previous interventions, the IEP team can ensure that this information is considered in developing the IEP.

### **7. In reporting, "Progress on Previous Interventions or Previous Goals and Objectives," is it required to report on all previous annual goals and all short-term objectives?**

No. General statements of progress can be used to provide the team with relevant information.



## CONSIDERATION OF SPECIAL FACTORS

- |                                                                                                                                                                                                                                                                                                                                                                                                                                       | YES                      | NO                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|
| • Does the student's behavior impede his/her learning or that of others?                                                                                                                                                                                                                                                                                                                                                              | <input type="checkbox"/> | <input type="checkbox"/> |
| • Has the student been determined to be "Limited English Proficient"?                                                                                                                                                                                                                                                                                                                                                                 | <input type="checkbox"/> | <input type="checkbox"/> |
| • Does the student have communication needs?<br>(In the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode.) | <input type="checkbox"/> | <input type="checkbox"/> |
| • Does the student require assistive technology devices or services?                                                                                                                                                                                                                                                                                                                                                                  | <input type="checkbox"/> | <input type="checkbox"/> |

**Any item checked "Yes" must be addressed in the IEP.**

### 8. If a student receives speech/language services, should "Yes" be checked for "Does the student have communication needs?"

"Yes" should be checked only if the student's language and communication difficulties impede or inhibit his or her communication with others. For example, if a student is receiving speech and language services for substitutions (pronouncing "frog" as "fwog"), the student would likely be able to communicate with others.

[CFR 300.346 Development, review, and revision of IEP](#)

## PARTICIPATION IN STATE/DISTRICTWIDE ASSESSMENTS

- ☐ State/Districtwide assessments are not being conducted during the term of this IEP.
- ☐ The student will participate in the State/Districtwide assessment **without accommodations.**
- ☐ The student will participate in the State/Districtwide assessment **with standard or non-standard accommodations as specified in the IEP:** \_\_\_\_\_
- ☐ The student will participate in Statewide assessment using the Montana Alternate Assessment Scale.

Describe why the ITBS/ITED, even with standard or non-standard accommodations, is not appropriate for the student: \_\_\_\_\_

Describe how the student will participate in an **alternate Districtwide** assessment: \_\_\_\_\_

**9. If an accommodation is not in the IEP, but is being used with the student, can it be used in taking the Iowa tests?**

No, all accommodations to be used in taking the Iowa tests must be identified in the IEP. If the accommodation is necessary for State/Districtwide assessment, the IEP team must be convened to document the need for the accommodation in the IEP.

**ARM 10.56.101 Student Assessment**

EXTENDED SCHOOL YEAR	
<input type="checkbox"/>	Extended School Year services <b><u>are necessary</u></b> for the student.
<input type="checkbox"/>	Extended School Year services <b><u>are not necessary</u></b> for the student.
<input type="checkbox"/>	In order to make this determination, the IEP team needs to collect additional data and meet again by: ____

**10. What documentation is required if the IEP Team determines that the student does or does not require an extended school year?**

The IEP team should document:

1. any record of previous regression/recoupment of skills;
2. observations and data from teachers, therapists, parents and others having direct contact with the student before and after breaks in educational programming;
3. assessment information maintained on the student including pretest and post-test data.

**11. How does the IEP Team document what services and hours are to be provided in the extended school year?**

The IEP team may show the services to be provided during the extended school year, including the dates of service, in the “**SPECIAL EDUCATION AND RELATED SERVICES**” portion of the IEP.

<b>Benchmarks or Short-Term Objectives:</b> These provide a reference point for progress toward the annual goal. (Mark <input checked="" type="checkbox"/> only if the benchmark or short-term objective will be part of an Extended School Year service.)	<b>ESY</b>
	<input type="checkbox"/>

**12. Must benchmarks and short-term objectives be measurable?**

Benchmarks and short-term objectives must be written so that the IEP team can determine whether or not they have been met.

**13. If the IEP Team has determined that the student does not require extended school year services, must each benchmark or short-term objective note that the student will not receive ESY for that objective?**

No. Place a check in the ☐ under “**ESY**” only if that benchmark or short-term objective will be part of an extended school year service.

Progress must be reported at least as often as progress is reported to parents of nondisabled children. How will the parents or adult student be informed of progress toward the annual goals and the extent to which that progress is sufficient to enable the child to achieve the annual goals by the end of the year?

- How often will progress reports be sent to the parent?

☐ mid-term

☐ quarterly

☐ semester

☐ other: \_\_\_\_\_

**14. Is it required that progress toward each short-term objective or benchmark be reported?**

No. IDEA requires only that progress toward the annual goals be reported.

**[CFR 300.347 Content of IEP](#)**

**15. If a school sends out mid-quarter/semester and quarter/semester reports for general education students, must they report on progress toward the annual goals in the IEP at these same intervals?**

If mid-quarter and quarterly reports are sent to the parents of all general education students, then the school must also report on progress toward the annual goals for students receiving special education services. If, however, mid-quarter and quarterly reports are sent only to the parents of general education students who are experiencing academic difficulty (as defined by the school), the school would only need to provide reports for students who are experiencing similar difficulties in achieving their annual goals.

**[CFR 300.347 Content of IEP](#)**

**16. Is a letter grade on a report card sufficient for reporting on student progress toward annual goals?**

Progress reports must 1) document progress toward the annual goals, and 2) include whether the progress is sufficient to enable the student to achieve the goals by the end of the IEP. A letter grade alone may be insufficient to meet one or both of the above requirements.

**[CFR 300.347 Content of IEP](#)**

**17. Do the requirements for progress reports also apply to annual goals for related services such as speech and language services or occupational therapy?**

Yes. Progress reports are required for all annual goals contained within the IEP.

[CFR 300.347 Content of IEP](#)

<b>Program modifications or supports for <u>school personnel</u>:</b>

**18. What are some examples of program modifications or supports for school personnel?**

Examples include, but are not limited to, providing information on a student's specific disability and implications for instruction; staff training in use of specific positive behavioral interventions; training on how to use a student's communication device or methods for correcting or addressing speech production errors. School personnel can include special and general education teachers, food service staff, paraeducators, bus drivers, administrators, office staff, etc.

SPECIAL EDUCATION AND RELATED SERVICES				
Special Education and Related Service	Hours per week in Special Education Setting	Special Education Hours per week in General Education Setting	Total Hours per week	Dates of Service (if different from Duration of IEP)

**19. Must the IEP specify the amount of special education services or may it simply list the services to be provided?**

The amount of services to be provided must be stated in the IEP so that the time to be committed to each of the various services will be clear to parents and other IEP team members. The amount of a special education or related service to be provided to a student may be stated in the IEP as a range (e.g., speech therapy to be provided three times per week for 30-45 minutes per session) only if the IEP team determines that stating the amount of services as a range is necessary to meet the unique needs of the student. A range may not be used because of personnel shortages or uncertainty regarding the availability of staff.

[CFR 300.347 Content of IEP](#)  
[IDEA Appendix A - Question 35](#)

**20. What are “Special Education Hours per week in General Education Setting”?**

Hours that qualified personnel (special education teacher, speech therapist, etc.) provide special education and related services in the regular education classroom setting.

**21. How do we show changes in hours across school years for students moving from an elementary to middle school or to a high school schedule?**

The IEP team may use the “Dates of Service” area to identify changes or the IEP may have a separate “Student School Day” page for each school year. This method of documentation may also be used for students changing classes across semesters.

**22. If a related service provider will provide “consultation” for a student by observing that student intermittently throughout the school year, how should this be recorded?**

This area of the IEP should identify the related service (e.g., Occupational Therapy) and note “Consultation” in the appropriate setting(s). The IEP minutes should note the purpose of the consultation, how often it will occur and that the IEP team will re-meet if there is a need for the student to be considered for additional related services.

**23. When must transportation be included in a student's IEP?**

Only when transportation has been determined to be a related service. As with other related services, a public agency must provide transportation as a related service if it is required to assist the student to benefit from special education. The public agency must ensure that any transportation service included in a student's IEP as a related service is provided at public expense and at no cost to the parents, and that the student's IEP describes the transportation arrangement.

The IEP team must consider how the student's disability affects the student's need for transportation, including determining whether the student's disability prevents the student from using the same transportation provided to nondisabled children, or from getting to school in the same manner as nondisabled children. If the student is able to use the same transportation or get to school in the same manner as nondisabled children, transportation would not be considered a related service.

**[IDEA Appendix A - Question 33](#)**

If the student’s school day or week is shorter or longer than peers without disabilities, explain why:

**24. Should this area be completed for a student whose school day or week is shorter because they are in preschool or kindergarten?**

Only if the student’s school day or week is shorter than peers without disabilities in the same grade level or setting.

## CONSIDERATION OF FULL PARTICIPATION IN THE GENERAL EDUCATION PROGRAM

Does the student participate 100 percent of the time in the General Education Program, including extracurricular and nonacademic programs?

☐ Yes

☐ No

**If No**, explain why the student will not participate full time in general education, including nonacademic/extracurricular activities:

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### **25. Must a student's IEP address his or her involvement in the general curriculum, regardless of the nature and severity of the student's disability and the setting in which the student is educated?**

Yes. The IEP for each student with a disability (including children who are educated in separate classrooms or schools) must address how the student will be involved and progress in the general curriculum.

[IDEA Appendix A - Question 2](#)

## DOCUMENTATION OF PARTICIPATION

The following persons, as indicated by their signatures, have participated in the development of this IEP:

\_\_\_\_\_  
Parent/Guardian/Surrogate                      Date

\_\_\_\_\_  
Parent/Guardian/Surrogate                      Date

\_\_\_\_\_  
Student                                              Date

\_\_\_\_\_  
Speech/Language Pathologist                      Date

\_\_\_\_\_  
Administrator or Designee                      Date

\_\_\_\_\_  
Signature/Position                                      Date

\_\_\_\_\_  
Regular Education Teacher                      Date

\_\_\_\_\_  
Signature/Position                                      Date

\_\_\_\_\_  
Special Education Teacher                      Date

\_\_\_\_\_  
Signature/Position                                      Date

\_\_\_\_\_  
School Psychologist                                      Date

\_\_\_\_\_  
Signature/Position                                      Date

## **26. Who are the required members of the IEP Team?**

- The parent(s) of the child;
- At least one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);
- At least one special education teacher of the child or, if appropriate, at least one special education provider of the child;
- A representative of the public agency who -
  - (i) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
  - (ii) Is knowledgeable about the general curriculum; and
  - (iii) Is knowledgeable about the availability of resources of the public agency;
- An individual who can interpret the instructional implications of evaluation results, who may be one of the described members of the team;
- At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and
- If appropriate, the child.

### **CFR 300.344 IEP team**

## **27. Who can participate as the “parent” in developing an IEP?**

A “parent” is defined as:

- a natural or adoptive parent of a child;
- a guardian, but not the State if the child is a ward of the State;
- a person acting in the place of a parent (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child's welfare); or
- a surrogate parent who has been appointed in accordance with CFR 300.515.

A foster parent may act as a parent if the natural parents' authority to make educational decisions on the child's behalf has been extinguished under State law; and the foster parent:

- has an ongoing, long-term parental relationship with the child;
- is willing to make the educational decisions required of parents; and
- has no interest that would conflict with the interests of the child.

### **CFR 300.20 Parent**

### **CFR 300.515 Surrogate Parents**

## **28. How is it documented that the person acting in the place of the parent (e.g., grandparent or stepparent with whom the child lives, person who is legally responsible for the child's welfare, sibling of legal age) has that authority?**

By written documentation such as a note or notarized statement that the person has been given the authority to act in the place of the parent.

## **29. Who can serve as the “Designee” for an Administrator in the IEP meeting?**

A representative of the school district who is:

- qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
- is knowledgeable about the general curriculum; and
- is knowledgeable about the availability of resources of the public agency.

The person designated by the public agency must meet these three requirements and be able to act in the role of the administrator. It is important, however, that the agency representative has the authority to commit agency resources and is able to ensure that whatever services are set out in the IEP will actually be provided.

### **[CFR 300.344 IEP team](#)**

## **30. If a parent or other member of the IEP Team participates in the IEP by telephone conference call, how should this be documented?**

In the IEP minutes, record that the parent or other member participated by phone. When a copy of the IEP is given to the parent, include an extra copy of the signature page for the parent to sign and return to the district. This signed signature page should then be attached to the IEP.

<b>IEP ACCESSIBILITY AND RESPONSIBILITIES</b>
How will each regular education teacher, special education teacher, related service provider, and other service providers working with this student be informed of his or her specific responsibilities related to implementing this IEP and the specific accommodations, modifications, and supports that must be provided for this student?

## **31. Should general education teachers working with a student be given a copy of the IEP to inform them of their specific responsibilities related to implementing the IEP and the specific accommodations, modifications and supports for that student?**

Information regarding specific accommodations, modifications, and supports for a particular student must be provided to general education teachers sufficient to ensure that the general education teacher is fully aware of his or her responsibilities. If a general education teacher is given a copy of the IEP, she or he must ensure that confidentiality of the IEP is maintained at all times as in the same manner as other special education records, including storage of and access to the IEP.

Included in this guide is a sample form ([Student Accommodations and Modifications](#)) that may be used to inform general education teachers of their specific responsibilities related to implementing the IEP and the specific accommodations, modifications and supports that must be provided for that student.

### **[CFR 300.342 When IEPs must be in effect](#) [ARM 10.16.3560 Special Education Records](#)**



**32. How should paraeducators working with a student be informed of their specific responsibilities related to implementing the IEP and the accommodations, modifications and supports that must be provided for that student?**

The special educator supervising the paraeducator must inform the paraeducator of the specific responsibilities related to implementing the IEP. Ongoing follow-up should occur to ensure that the accommodations, modifications and supports are provided in accord with the IEP.

<b>TRANSFER OF RIGHTS AT AGE OF MAJORITY</b>
The student has been informed of his or her rights under IDEA that will transfer to the student on reaching the age of majority. The student must be informed at least one year before the student reaches age 18. Date student was informed of the transfer of rights: _____ Date student reaches the age of majority: _____

**33. Must parents continue to be invited to the IEP meeting for a student who has reached the age of majority (18)? Do the parents of a student with a disability retain the right to attend the IEP meeting when their child reaches the age of majority?**

Districts are required to provide written prior notice to the parents, including the parents of an adult student, whenever the LEA proposes to initiate or change or refuses to initiate or change the identification evaluation or educational placement of the student or the provision of a Free Appropriate Public Education. Thus, the parents of the adult student are to be notified of the meeting and would have the opportunity to participate.

[ARM 10.16.3502 Transfer of Parental Rights at Age of Majority](#)

# **Common Questions About the IEP Process**

## **34. If a student needs specially designed physical education to participate in physical education classes, must this be noted in the IEP?**

Yes. Specially designed physical education (adapted physical education) must be noted in the IEP. This could include annual goal(s) and/or accommodations or modifications to any existing physical education class depending on the nature of the student needs.

[CFR 300.307 Physical education](#)

## **35. If a student has an IEP from a Montana school district and transfers to another school district in Montana, must the receiving district conduct an IEP meeting?**

Yes. The receiving district must ensure that the student has an IEP in effect before providing special education and related services. The receiving district may meet this responsibility by either adopting the IEP the sending district developed or by developing a new IEP for the student. Before the student's IEP is finalized, the receiving district may provide interim services agreed to by both the parents and the new district. If the parents and the receiving district are unable to agree on an interim IEP and placement, the receiving district must implement the old IEP to the extent possible until a new IEP is developed and implemented.

[ARM 10.16.3342 Transfer students: intrastate and interstate](#)  
[IDEA Appendix A - Question 17](#)

## **36. If a student has an IEP from an out-of-state school district and transfers to a school district in Montana, what are the responsibilities of the Montana district?**

When an IDEA-eligible student moves to Montana from another state, the first step is to determine whether to adopt the most recent evaluation and IEP. If the former IEP is adopted by the new district and the parents agree to its use, it can be implemented. If the former IEP is refused by the new district or the parents, an IEP meeting must be conducted. If the former evaluation is rejected by the new district, an evaluation must be conducted without undue delay. During the evaluation, the student shall be placed pursuant to an agreed-upon interim IEP, or in general education in absence of such an agreement.

(See [A Special Educators Guide to the Child Study Team Process](#) for information on adopting the most recent evaluation.)

[ARM 10.16.3342 Transfer students: intrastate and interstate](#)

## **37. What timelines apply to the development and implementation of an initial IEP for a student with a disability?**

A meeting to develop an IEP for the child must be conducted within 30 days of a determination that the child needs special education and related services.

[CFR 300.343 IEP meetings](#)

### **38. May IEP meetings be audio or videotape recorded?**

State and federal special education rules and statutes do not address the use of audio or video recording devices at IEP meetings, and no federal statute either authorizes or prohibits the recording of an IEP meeting by either a parent or a school official.

Any recording of an IEP meeting that is maintained by the public agency is an "education record" within the meaning of the Family Educational Rights and Privacy Act ("FERPA"), and would be subject to confidentiality requirements.

#### **IDEA Appendix A - Question 21**

### **39. What is the role of a regular education teacher in the development, review and revision of the IEP for a student who is, or may be, participating in the regular education environment?**

The regular education teacher of a child with a disability, as a member of the IEP team, must, to the extent appropriate, participate in the development, review, and revision of the student's IEP, including assisting in—(1) the determination of appropriate positive behavioral interventions and strategies for the student; and (2) the determination of supplementary aids and services, program modifications, and supports for school personnel that will be provided for the student.

The teacher need not (depending upon the student's needs and the purpose of the specific IEP team meeting) be required to participate in all decisions made as part of the meeting or to be present throughout the entire meeting or attend every meeting.

#### **CFR 300.346 Development, review, and revision of IEP**

### **40. Is it permissible for an agency to have the IEP completed before the IEP meeting begins?**

No. A district may come to an IEP meeting prepared with evaluation findings and proposed recommendations regarding IEP content, but must make it clear to the parents at the outset of the meeting that the services proposed are only recommendations for review and discussion with the parents. Parents have the right to bring questions, concerns, and recommendations to an IEP meeting as part of a full discussion of the student's needs and the services to be provided to meet those needs before the IEP is finalized.

#### **IDEA Appendix A - Question 32**

### **41. What is a public agency's responsibility if it is not possible to reach consensus on what services should be included in a student's IEP?**

The IEP team should work toward consensus, but the public agency has ultimate responsibility to ensure that the IEP includes the services that the child needs in order to receive FAPE. It is **never appropriate** to make IEP decisions based upon a majority "vote." If the team cannot reach consensus, the public agency must:

- Inform the parents of the district's proposals or refusals, or both, regarding the child's educational program; in this case, provide the parents with a written copy of the IEP that

includes not only those items upon which the parents and district agree in addition to those items the district proposes as essential for the provision of FAPE; and

- Advise the parents that they have the right to seek resolution of any disagreements by initiating an impartial due process hearing.

Every effort should be made to resolve differences between parents and school staff through voluntary mediation or some other informal step, without resort to a due process hearing. However, mediation or other informal procedures may not be used to deny or delay a parent's right to a due process hearing, or to deny any other rights afforded under Part B.

The IEP meeting serves as a communication vehicle between parents and school personnel, and enables them, as equal participants, to make joint, informed decisions regarding the:

- Child's needs and appropriate goals;
- Extent to which the child will be involved in the general curriculum and participate in the regular education environment and state and districtwide assessments; and
- Services needed to support that involvement and participation and to achieve agreed-upon goals.

Parents are considered equal partners with school personnel in making these decisions, and the IEP team must consider the parents' concerns and the information that they provide regarding their child in developing, reviewing, and revising IEPs.

#### **IDEA Appendix A - Question 9**

#### **42. What is the “Review of Existing Evaluation Data?”**

As part of an initial evaluation (if appropriate) and as part of any reevaluation, the IEP Team and other qualified professionals, as appropriate, shall review existing evaluation data on the child, including evaluations and information provided by the parents of the child; current classroom-based assessments and observations; and observations by teachers and related services providers. On the basis of that review, and input from the child's parents, the IEP Team shall identify what additional data, if any, are needed to determine -

- Whether the child has a particular category of disability, as described in CFR 300.7, or, in case of a reevaluation of a child, whether the child continues to have such a disability.
- The present levels of performance and educational needs of the child.
- Whether the child needs special education and related services, or in the case of a reevaluation of a child, whether the child continues to need special education and related services.
- Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP of the child and to participate, as appropriate, in the general curriculum.

If additional data is needed, the public agency shall administer tests and other evaluation materials as may be needed to produce the data identified. If no additional data are needed to determine whether the child continues to be a child with a disability, the public agency shall notify the child's parents of that determination and the reasons for it and the right of the parents to request an assessment to determine whether the child continues to be a child with a disability.

The public agency is not required to conduct this assessment unless requested to do so by the child's parents.

**[CFR 300.533 Determination of needed evaluation data](#)**

**43. How is the “Review of Existing Evaluation Data” documented? Is a meeting required for the review of existing evaluation data?**

The district may document this review by IEP or CST meeting notes or by using a form developed by the district for this purpose. The OPI form, “Review of Existing Evaluation Data,” may also be used to document the review.

The IEP Team may review the existing evaluation data without conducting a meeting.

**44. If the Review of Existing Evaluation Data determines that no additional data are necessary, is it still necessary to conduct a Child Study Team meeting?**

Yes. A Child Study Team meeting must be held prior to the provision of special education and related services and at least once every three years for IDEA-qualified students or more frequently if the student’s parent or teacher requests.

**[CFR 300.531 Initial evaluation](#)**  
**[CFR 300.536 Reevaluation](#)**

**45. How “current” must classroom-based assessments and observations be for reviewing existing evaluation data?**

This information should be the most recent available (the current or previous school year). The IEP Team and other qualified professionals should review classroom-based assessments and observations to determine if the information is current and sufficient. Although there may be variances, information that is more than one year old may not be useful.

**46. How do schools meet the "regular education teacher" requirements for participation in the IEP for children aged three, four or five who are receiving preschool special education?**

If a school district provides regular education to nondisabled children in the age group, then all of the requirements related to IEP development, review, and revision apply as they do in the case of school-age children with disabilities. If a district makes kindergarten available to nondisabled children, then the kindergarten teacher could appropriately be the regular education teacher on the IEP team. Consequently, when a preschool-age child is, or may be, participating in the regular education environment, the district’s regular education teacher who would be the child’s teacher would participate on the IEP team.

**[CFR 300.344 IEP Team](#)**  
**[IDEA Appendix A - Question 3](#)**

**47. Do we need to include the transition pages in the IEP if the student is less than age 14 and the IEP team does not feel that it is appropriate to address transition for the student at this time?**

No.

**48. What are the requirements regarding the participation of a student in an IEP meeting?**

If a purpose of an IEP meeting for a student with a disability will be the consideration of the student's transition services needs or needed transition services the public agency must invite the student and, as part of the notification to the parents of the IEP meeting, inform the parents that the agency will invite the student to the IEP meeting.

If the student does not attend, the public agency must take other steps to ensure that the student's preferences and interests are considered.

[CFR 300.344 IEP Team](#)

**49. At what age must a student be invited to the IEP meeting?**

Fourteen.

[CFR 300.345 Parent participation](#)

**50. Must the IEP include needed transition services, even if someone other than the school district will provide those services?**

The IEP for each child with a disability must include all needed transition services, as identified by the IEP team, regardless of whether the school district or some other agency will provide those services.

[IDEA Appendix A - Question 12](#)

**51. What is the school district's responsibility if another agency fails to provide agreed-upon transition services?**

If an agreed-upon service by another agency is not provided, the district must implement alternative strategies to meet the student's needs. This requires that the district provide the services, or convene an IEP meeting as soon as possible to identify alternative strategies to meet the transition services objectives, and to revise the IEP accordingly.

Alternative strategies might include the identification of another funding source, referral to another agency, the identification of other districtwide or community resources that can meet the student's identified needs appropriately, or a combination of these strategies.

[CFR 300.348 Agency responsibilities for transition services](#)  
[IDEA Appendix A - Question 12](#)

**52. Under what circumstances must a school district invite representatives from other agencies to an IEP meeting at which a child's need for transition services will be considered?**

The school district must identify all agencies that are likely to be responsible for providing or paying for transition services for each student and must invite each of those agencies to the IEP meeting. If an agency invited to send a representative to a meeting does not do so, the school district must take other steps to obtain the participation of that agency in the planning of any transition services.

If, during the course of an IEP meeting, the team identifies additional agencies that are likely to be responsible for providing or paying for transition services for the student, the public agency must determine how to obtain participation of the additional agencies in the planning of any transition services.

**[IDEA Appendix A - Question 13](#)**

**53. What are the school district responsibilities prior to graduation from high school?**

Graduation from high school with a regular diploma constitutes a change in placement, requiring written prior notice. This written prior notice must include a description of the action proposed or refused by the agency, an explanation of why the agency proposes or refuses to take the action, a description of any other options that the agency considered and the reasons why those options were rejected, a description of each evaluation procedure, test, record, or report the agency used as a basis for the proposed or refused action, a description of any other factors that are relevant to the agency's proposal or refusal, a statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained, and sources for parents to contact to obtain assistance.

**[CFR 300.122 Exception to FAPE for certain ages](#)**

**54. For a student who is already receiving special education services and related services, if the parent does not sign the IEP at the IEP meeting, can the district provide special education and related services?**

When parental consent for annual placement has not been obtained and has not been specifically refused or revoked, the local educational or public agency shall informally attempt to obtain consent from the parent. If parental consent cannot be obtained within a reasonable time, the local educational or public agency shall send written notice to the parent requesting approval and stating that the student with disabilities shall be provided special education and related services according to the student's individualized education program (IEP) as developed by the local educational agency 15 days from the date of the notice.

If no response from the parent is obtained, the local educational or public agency shall provide the student special education and related services according to the student's IEP without parental consent subject to the parent's right to an impartial due process hearing.

**[ARM 10.16.3505 Parental Consent](#)**



## **Administrative Rules of Montana (ARM) cited:**

### **10.16.3342 TRANSFER STUDENTS: INTRASTATE AND INTERSTATE**

(1) When an IDEA eligible student moves to a new school district within the state and the student's current IEP is available, the new school district shall ensure that there is no interruption of special education and related services. If the current IEP is not available, or if the new school district or the parent believes that the IEP is not appropriate, the new school district must develop a new IEP through appropriate procedures within a short time (normally within one week) after the student enrolls in the new school district. Before the new IEP is finalized, the new school district may provide interim services agreed to by both the parents and the new school district. If the parents and the new school district are unable to agree on an interim IEP and placement, the new school district must implement the former IEP to the extent possible until a new IEP is developed and implemented. To the extent that implementation of the former IEP is impossible, the new school district must provide services that approximate, as closely as possible, the former IEP.

(2) When an IDEA eligible student moves to Montana from another state, the first step is to determine whether to adopt the most recent evaluation and IEP.

(a) If the former IEP is adopted by the new district and the parents agree to its use, it can be implemented.

(b) If the former IEP is refused by the new district or the parents, an IEP meeting must proceed in accordance with 34 CFR 300.343. If the former evaluation is rejected by the new district, an evaluation must be conducted without undue delay. During the evaluation, the student shall be placed pursuant to an agreed-upon interim IEP, or in general education in absence of such an agreement.

### **10.16.3502 TRANSFER OF PARENTAL RIGHTS AT AGE OF MAJORITY**

(1) When a student with disabilities reaches the age of 18, parental rights under IDEA will transfer to the student in accordance with 34 CFR 300.517.

(a) Beginning at least one year before a student's 18th birthday, the student's IEP must document that the student has been informed of his or her rights under part B of IDEA that will transfer to the student.

(b) The parent will be provided written notice of the transfer of rights to the student at least one year before the student reaches the age of 18.

(c) Both the parent and the student will receive all notices required by 34 CFR 300.504.

### **10.16.3505 PARENTAL CONSENT (reads in part)**

(2) Written parental consent for initial and annual placement of a student with disabilities in special education and related services shall be obtained by the local educational agency prior to the placement.

(c) When parental consent for annual placement has not been obtained and has not been specifically refused, the local educational agency shall informally attempt to obtain consent from the parent.

(i) If parental consent cannot be obtained within a reasonable time, the local educational agency shall send written notice to the parent requesting approval and stating that the student with disabilities shall be provided special education and related services according to the



student's individualized education program (IEP) as developed by the local educational agency 15 days from the date of the notice.

(ii) If no response from the parent is obtained, the local educational agency shall provide the student special education and related services according to the student's IEP without parental consent subject to the parent's right to an impartial due process hearing under ARM 10.16.3507 through 10.16.3523.

#### **10.16.3560 SPECIAL EDUCATION RECORDS**

(1) School records and confidentiality of information must follow the provisions under the Family Educational Rights and Privacy Act (FERPA) and its implementing regulations at 34 CFR, part 99, and must follow the provisions established for special education under IDEA and its implementing regulations at 34 CFR 500.560 through 500.577.

(2) Each special education record shall include access log, referral, permission for evaluation, evaluation data including summaries of assessments, test protocols and other information that are not subject to sole possession requirements of FERPA, child study team reports, individualized education programs, and periodic reviews of the individualized education program.

#### **10.56.101 STUDENT ASSESSMENT (reads in part)**

(7) (a) For students with disabilities, the individualized education program (IEP) teams have the authority to specify accommodations to be provided, as defined in (8), for participation by the students in the state-level assessment.

## **Code of Federal Regulations (CFR) cited:**

### **300.20 Parent**

- (a) General. As used in this part, the term parent means—
  - (1) A natural or adoptive parent of a child;
  - (2) A guardian but not the State if the child is a ward of the State;
  - (3) A person acting in the place of a parent (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child's welfare); or
  - (4) A surrogate parent who has been appointed in accordance with §300.515.
- (b) Foster parent. Unless State law prohibits a foster parent from acting as a parent, a State may allow a foster parent to act as a parent under Part B of the Act if—
  - (1) The natural parents' authority to make educational decisions on the child's behalf has been extinguished under State law; and
  - (2) The foster parent—
    - (i) Has an ongoing, long-term parental relationship with the child;
    - (ii) Is willing to make the educational decisions required of parents under the Act; and
    - (iii) Has no interest that would conflict with the interests of the child.

### **300.122 Exception to FAPE for certain ages (reads in part)**

- (iii) Graduation from high school with a regular diploma constitutes a change in placement, requiring written prior notice in accordance with §300.503.

### **300.307 Physical education (reads in part)**

- (b) Regular physical education. Each child with a disability must be afforded the opportunity to participate in the regular physical education program available to nondisabled children unless—
  - (1) The child is enrolled full time in a separate facility; or
  - (2) The child needs specially designed physical education, as prescribed in the child's IEP.

### **300.342 When IEPs must be in effect**

- (a) General. At the beginning of each school year, each public agency shall have an IEP in effect for each child with a disability within its jurisdiction.
- (b) Implementation of IEPs. Each public agency shall ensure that—
  - (1) An IEP—
    - (i) Is in effect before special education and related services are provided to an eligible child under this part; and
    - (ii) Is implemented as soon as possible following the meetings described under §300.343;
  - (2) The child's IEP is accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation; and
  - (3) Each teacher and provider described in paragraph (b)(2) of this section is informed of—
    - (i) His or her specific responsibilities related to implementing the child's IEP; and

- (ii) The specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.

### **300.343 IEP meetings (reads in part)**

- (b) Initial IEPs; provision of services.
  - (1) Each public agency shall ensure that within a reasonable period of time following the agency's receipt of parent consent to an initial evaluation of a child—
    - (i) The child is evaluated; and
    - (ii) If determined eligible under this part, special education and related services are made available to the child in accordance with an IEP.
  - (2) In meeting the requirement in paragraph (b)(1) of this section, a meeting to develop an IEP for the child must be conducted within 30-days of a determination that the child needs special education and related services.
- (c) Review and revision of IEPs. Each public agency shall ensure that the IEP team—
  - (1) Reviews the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved;

### **300.344 IEP team**

- (a) General. The public agency shall ensure that the IEP team for each child with a disability includes—
  - (1) The parents of the child;
  - (2) At least one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);
  - (3) At least one special education teacher of the child, or if appropriate, at least one special education provider of the child;
  - (4) A representative of the public agency who -
    - (i) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
    - (ii) Is knowledgeable about the general curriculum; and
    - (iii) Is knowledgeable about the availability of resources of the public agency;
  - (5) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in paragraphs (a)(2) through (6) of this section;
  - (6) At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and
  - (7) If appropriate, the child.
- (b) Transition services participants.
  - (1) Under paragraph (a)(7) of this section, the public agency shall invite a student with a disability of any age to attend his or her IEP meeting if a purpose of the meeting will be the consideration of—
    - (i) The student's transition services needs under §300.347(b)(1); or
    - (ii) The needed transition services for the student under §300.347(b)(2); or
    - (iii) Both.
  - (2) If the student does not attend the IEP meeting, the public agency shall take other steps to ensure that the student's preferences and interests are considered.

(3)

(i) In implementing the requirements of §300.347(b)(2), the public agency also shall invite a representative of any other agency that is likely to be responsible for providing or paying for transition services.

(ii) If an agency invited to send a representative to a meeting does not do so, the public agency shall take other steps to obtain participation of the other agency in the planning of any transition services.

(c) Determination of knowledge and special expertise. The determination of the knowledge or special expertise of any individual described in paragraph (a)(6) of this section shall be made by the party (parents or public agency) who invited the individual to be a member of the IEP.

(d) Designating a public agency representative. A public agency may designate another public agency member of the IEP team to also serve as the agency representative, if the criteria in paragraph (a)(4) of this section are satisfied.

### **300.345 Parent participation (reads in part)**

(2) For a student with a disability beginning at age 14, or younger, if appropriate, the notice must also—

(i) Indicate that a purpose of the meeting will be the development of a statement of the transition services needs of the student required in §300.347(b)(1); and

(ii) Indicate that the agency will invite the student.

### **300.346 Development, review, and revision of IEP (reads in part)**

(a) Development of IEP.

(2) Consideration of special factors. The IEP team also shall -

(iv) Consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode;

(d) Requirement with respect to regular education teacher. The regular education teacher of a child with a disability, as a member of the IEP team, must, to the extent appropriate, participate in the development, review, and revision of the child's IEP, including assisting in the determination of—

(1) Appropriate positive behavioral interventions and strategies for the child; and

(2) Supplementary aids and services, program modifications or supports for school personnel that will be provided for the child, consistent with 300.347(a)(3).

### **300.347 Content of IEP (reads in part)**

(a) **General.** The IEP for each child with a disability must include—

(6) The projected date for the beginning of the services and modifications described in paragraph (a)(3) of this section, and the anticipated frequency, location, and duration of those services and modifications; and

(7) A statement of -

(i) How the child's progress toward the annual goals described in paragraph (a)(2) of this section will be measured; and

(ii) How the child's parents will be regularly informed (through such means as periodic report cards), at least as often as parents are informed of their nondisabled children's progress, of -

(A) Their child's progress toward the annual goals; and

(B) The extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year.

### **300.348 Agency responsibilities for transition services (reads in part)**

(a) If a participating agency, other than the public agency, fails to provide the transition services described in the IEP in accordance with §300.347(b)(1), the public agency shall reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP

### **300.515 Surrogate parents**

(a) General. Each public agency shall ensure that the rights of a child are protected if—

(1) No parent (as defined in §300.20) can be identified;

(2) The public agency, after reasonable efforts, cannot discover the whereabouts of a parent; or

(3) The child is a ward of the State under the laws of that State.

(b) Duty of public agency. The duty of a public agency under paragraph (a) of this section includes the assignment of an individual to act as a surrogate for the parents. This must include a method—

(1) For determining whether a child needs a surrogate parent; and

(2) For assigning a surrogate parent to the child.

(c) Criteria for selection of surrogates.

(1) The public agency may select a surrogate parent in any way permitted under State law.

(2) Except as provided in paragraph (c)(3) of this section, public agencies shall ensure that a person selected as a surrogate—

(i) Is not an employee of the SEA, the LEA, or any other agency that is involved in the education or care of the child;

(ii) Has no interest that conflicts with the interest of the child he or she represents; and

(iii) Has knowledge and skills that ensure adequate representation of the child.

(3) A public agency may select as a surrogate a person who is an employee of a nonpublic agency that only provides non-educational care for the child and who meets the standards in paragraphs (c)(2)(ii) and (iii) of this section.

(d) Non-employee requirement; compensation. A person who otherwise qualifies to be a surrogate parent under paragraph (c) of this section is not an employee of the agency solely because he or she is paid by the agency to serve as a surrogate parent.

(e) Responsibilities. The surrogate parent may represent the child in all matters relating to—

(1) The identification, evaluation, and educational placement of the child; and

(2) The provision of FAPE to the child.

### **300.531 Initial evaluation**

Each public agency shall conduct a full and individual initial evaluation, in accordance with §§300.532 and 300.533, before the initial provision of special education and related services to a child with a disability under Part B of the Act.

### **300.533 Determination of needed evaluation data**

(a) Review of existing evaluation data. As part of an initial evaluation (if appropriate) and as part of any reevaluation under Part B of the Act, a group that includes the individuals described in §300.344, and other qualified professionals, as appropriate, shall -

(1) Review existing evaluation data on the child, including—

- (i) Evaluations and information provided by the parents of the child;
- (ii) Current classroom-based assessments and observations; and
- (iii) Observations by teachers and related services providers; and

(2) On the basis of that review, and input from the child's parents, identify what additional data, if any, are needed to determine -

- (i) Whether the child has a particular category of disability, as described in §300.7, or, in case of a reevaluation of a child, whether the child continues to have such a disability;
- (ii) The present levels of performance and educational needs of the child;
- (iii) Whether the child needs special education and related services, or in the case of a reevaluation of a child, whether the child continues to need special education and related services; and
- (iv) Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP of the child and to participate, as appropriate, in the general curriculum.

(b) Conduct of review. The group described in paragraph (a) of this section may conduct its review without a meeting.

(c) Need for additional data. The public agency shall administer tests and other evaluation materials as may be needed to produce the data identified under paragraph (a) of this section.

(d) Requirements if additional data are not needed.

(1) If the determination under paragraph (a) of this section is that no additional data are needed to determine whether the child continues to be a child with a disability, the public agency shall notify the child's parents—

- (i) Of that determination and the reasons for it; and
- (ii) Of the right of the parents to request an assessment to determine whether, for purposes of services under this part, the child continues to be a child with a disability.

(2) The public agency is not required to conduct the assessment described in paragraph (d)(1)(ii) of this section unless requested to do so by the child's parents.

### **300.536 Reevaluation**

Each public agency shall ensure—

- (a) That the IEP of each child with a disability is reviewed in accordance with §§300.340-300.350; and
- (b) That a reevaluation of each child, in accordance with §§300.532-300.535, is conducted if conditions warrant a reevaluation, or if the child's parent or teacher requests a reevaluation, but at least once every three years.

## **IDEA '97 Final Regulations - APPENDIX A TO PART 300—NOTICE OF INTERPRETATION**

### **Select Questions**

#### **2. Must a child's IEP address his or her involvement in the general curriculum, regardless of the nature and severity of the child's disability and the setting in which the child is educated?**

Yes. The IEP for each child with a disability (including children who are educated in separate classrooms or schools) must address how the child will be involved and progress in the general curriculum. However, the Part B regulations recognize that some children have other educational needs resulting from their disability that also must be met, even though those needs are not directly linked to participation in the general curriculum.

Accordingly, §300.347(a)(1)(2) requires that each child's IEP include:

A statement of measurable annual goals, including benchmarks or short-term objectives related to—(i) Meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general curriculum; and (ii) meeting each of the child's other educational needs that result from the child's disability.

Thus, the IEP team for each child with a disability must make an individualized determination regarding (1) how the child will be involved and progress in the general curriculum and what needs that result from the child's disability must be met to facilitate that participation; (2) whether the child has any other educational needs resulting from his or her disability that also must be met; and (3) what special education and other services and supports must be described in the child's IEP to address both sets of needs (consistent with §300.347(a). For example, if the IEP team determines that in order for a child who is deaf to participate in the general curriculum he or she needs sign language and materials which reflect his or her language development, those needs (relating to the child's participation in the general curriculum) must be addressed in the child's IEP. In addition, if the team determines that the child also needs to expand his or her vocabulary in sign language that service must also be addressed in the applicable components of the child's IEP. The IEP team may also wish to consider whether there is a need for members of the child's family to receive training in sign language in order for the child to receive FAPE.

#### **3. What must public agencies do to meet the requirements at §300.344(a)(2) and 300.346(d) regarding the participation of a "regular education teacher" in the development, review, and revision of IEPs, for children aged 3 through 5 who are receiving preschool special education services?**

If a public agency provides "regular education" preschool services to nondisabled children, then the requirements of §§300.344(a)(2) and 300.346(d) apply as they do in the case of older children with disabilities. If a public agency makes kindergarten available to nondisabled children, then a regular education kindergarten teacher could appropriately be the regular education teacher who would be a member of the IEP team, and, as appropriate, participate in IEP meetings, for a kindergarten-aged child who is, or may be, participating in the regular education environment.



If a public agency does not provide regular preschool education services to nondisabled children, the agency could designate an individual who, under State standards, is qualified to serve nondisabled children of the same age.

**9. What is a public agency's responsibility if it is not possible to reach consensus on what services should be included in a child's IEP?**

The IEP meeting serves as a communication vehicle between parents and school personnel, and enables them, as equal participants, to make joint, informed decisions regarding the (1) child's needs and appropriate goals; (2) extent to which the child will be involved in the general curriculum and participate in the regular education environment and State and districtwide assessments; and (3) services needed to support that involvement and participation and to achieve agreed-upon goals. Parents are considered equal partners with school personnel in making these decisions, and the IEP team must consider the parents' concerns and the information that they provide regarding their child in developing, reviewing, and revising IEPs (§§300.343(c)(iii) and 300.346(a)(1) and (b)).

The IEP team should work toward consensus, but the public agency has ultimate responsibility to ensure that the IEP includes the services that the child needs in order to receive FAPE. It is not appropriate to make IEP decisions based upon a majority "vote." If the team cannot reach consensus, the public agency must provide the parents with prior written notice of the agency's proposals or refusals, or both, regarding the child's educational program, and the parents have the right to seek resolution of any disagreements by initiating an impartial due process hearing.

Every effort should be made to resolve differences between parents and school staff through voluntary mediation or some other informal step, without resort to a due process hearing. However, mediation or other informal procedures may not be used to deny or delay a parent's right to a due process hearing, or to deny any other rights afforded under Part B.

**12. Must the IEP for each student with a disability, beginning no later than age 16, include all "needed transition services," as identified by the IEP team and consistent with the definition at §300.29, even if an agency other than the public agency will provide those services? What is the public agency's responsibility if another agency fails to provide agreed-upon transition services?**

Section 300.347(b)(2) requires that the IEP for each child with a disability, beginning no later than age 16, or younger if determined appropriate by the IEP team, include all "needed transition services," as identified by the IEP team and consistent with the definition at §300.29, regardless of whether the public agency or some other agency will provide those services. Section 300.347(b)(2) specifically requires that the statement of needed transition services include, "... if appropriate, a statement of the interagency responsibilities or any needed linkages."

Further, the IDEA Amendments of 1997 also permit an LEA to use up to five percent of the Part B funds it receives in any fiscal year in combination with other amounts, which must include amounts other than education funds, to develop and implement a coordinated services system. These funds may be used for activities such as: (1) linking IEPs under Part B and Individualized Family Service Plans (IFSPs) under Part C, with Individualized Service Plans developed under multiple Federal and State programs, such as Title I of the Rehabilitation Act; and (2) developing

and implementing interagency financing strategies for the provision of services, including transition services under Part B.

The need to include, as part of a student's IEP, transition services to be provided by agencies other than the public agency is contemplated by §300.348(a), which specifies what the public agency must do if another agency participating in the development of the statement of needed transition services fails to provide a needed transition service that it had agreed to provide.

If an agreed-upon service by another agency is not provided, the public agency responsible for the student's education must implement alternative strategies to meet the student's needs. This requires that the public agency provide the services, or convene an IEP meeting as soon as possible to identify alternative strategies to meet the transition services objectives, and to revise the IEP accordingly.

Alternative strategies might include the identification of another funding source, referral to another agency, the public agency's identification of other districtwide or community resources that it can use to meet the student's identified needs appropriately, or a combination of these strategies. As emphasized by §300.348(b), however:

Nothing in [Part B] relieves any participating agency, including a State vocational rehabilitation agency, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

However, the fact that an agency other than the public agency does not fulfill its responsibility does not relieve the public agency of its responsibility to ensure that FAPE is available to each student with a disability. (Section 300.142(b)(2) specifically requires that if an agency other than the LEA fails to provide or pay for a special education or related service (which could include a transition service), the LEA must, without delay, provide or pay for the service, and may then claim reimbursement from the agency that failed to provide or pay for the service.)

**13. Under what circumstances must a public agency invite representatives from other agencies to an IEP meeting at which a child's need for transition services will be considered?**

Section 300.344 requires that, "In implementing the requirements of [§300.347(b)(1)(ii) requiring a statement of needed transition services], the public agency shall also invite a representative of any other agency that is likely to be responsible for providing or paying for transition services." To meet this requirement, the public agency must identify all agencies that are "likely to be responsible for providing or paying for transition services" for each student addressed by §300.347(b)(1), and must invite each of those agencies to the IEP meeting; and if an agency invited to send a representative to a meeting does not do so, the public agency must take other steps to obtain the participation of that agency in the planning of any transition services.

If, during the course of an IEP meeting, the team identifies additional agencies that are "likely to be responsible for providing or paying for transition services" for the student, the public agency must determine how it will meet the requirements of §300.344.

**17. If a disabled child has been receiving special education from one public agency and transfers to another public agency in the same State, must the new public agency develop an IEP before the child can be placed in a special education program?**

If a child with a disability moves from one public agency to another in the same State, the State and its public agencies have an ongoing responsibility to ensure that FAPE is made available to that child. This means that if a child moves to another public agency the new agency is responsible for ensuring that the child has available special education and related services in conformity with an IEP.

The new public agency must ensure that the child has an IEP in effect before the agency can provide special education and related services. The new public agency may meet this responsibility by either adopting the IEP the former public agency developed for the child or by developing a new IEP for the child. (The new public agency is strongly encouraged to continue implementing the IEP developed by the former public agency, if appropriate, especially if the parents believe their child was progressing appropriately under that IEP.)

Before the child's IEP is finalized, the new public agency may provide interim services agreed to by both the parents and the new public agency. If the parents and the new public agency are unable to agree on an interim IEP and placement, the new public agency must implement the old IEP to the extent possible until a new IEP is developed and implemented.

In general, while the new public agency must conduct an IEP meeting, it would not be necessary if: (1) A copy of the child's current IEP is available; (2) the parents indicate that they are satisfied with the current IEP; and (3) the new public agency determines that the current IEP is appropriate and can be implemented as written.

If the child's current IEP is not available, or if either the new public agency or the parent believes that it is not appropriate, the new public agency must develop a new IEP through appropriate procedures within a short time after the child enrolls in the new public agency (normally, within one week).

**21. May IEP meetings be audio or videotape recorded?**

Part B does not address the use of audio or video recording devices at IEP meetings, and no other Federal statute either authorizes or prohibits the recording of an IEP meeting by either a parent or a school official. Therefore, an SEA or public agency has the option to require, prohibit, limit, or otherwise regulate the use of recording devices at IEP meetings.

If a public agency has a policy that prohibits or limits the use of recording devices at IEP meetings, that policy must provide for exceptions if they are necessary to ensure that the parent understands the IEP or the IEP process or to implement other parental rights guaranteed under Part B. An SEA or school district that adopts a rule regulating the tape recording of IEP meetings also should ensure that it is uniformly applied.

Any recording of an IEP meeting that is maintained by the public agency is an "education record," within the meaning of the Family Educational Rights and Privacy Act ("FERPA"; 20

U.S.C. 1232g), and would, therefore, be subject to the confidentiality requirements of the regulations under both FERPA (34 CFR Part 99) and Part B (§§300.560-300.575).

Parents wishing to use audio or video recording devices at IEP meetings should consult State or local policies for further guidance.

**32. Is it permissible for an agency to have the IEP completed before the IEP meeting begins?**

No. Agency staff may come to an IEP meeting prepared with evaluation findings and proposed recommendations regarding IEP content, but the agency must make it clear to the parents at the outset of the meeting that the services proposed by the agency are only recommendations for review and discussion with the parents. Parents have the right to bring questions, concerns, and recommendations to an IEP meeting as part of a full discussion, of the child's needs and the services to be provided to meet those needs before the IEP is finalized.

Public agencies must ensure that, if agency personnel bring drafts of some or all of the IEP content to the IEP meeting, there is a full discussion with the child's parents, before the child's IEP is finalized, regarding drafted content and the child's needs and the services to be provided to meet those needs.

**33. Must a public agency include transportation in a child's IEP as a related service?**

As with other related services, a public agency must provide transportation as a related service if it is required to assist the disabled child to benefit from special education. (This includes transporting a preschool-aged child to the site at which the public agency provides special education and related services to the child, if that site is different from the site at which the child receives other preschool or day care services.)

In determining whether to include transportation in a child's IEP, and whether the child needs to receive transportation as a related service, it would be appropriate to have at the IEP meeting a person with expertise in that area. In making this determination, the IEP team must consider how the child's disability affects the child's need for transportation, including determining whether the child's disability prevents the child from using the same transportation provided to nondisabled children, or from getting to school in the same manner as nondisabled children.

The public agency must ensure that any transportation service included in a child's IEP as a related service is provided at public expense and at no cost to the parents, and that the child's IEP describes the transportation arrangement.

Even if a child's IEP team determines that the child does not require transportation as a related service, Section 504 of the Rehabilitation Act of 1973, as amended, requires that the child receive the same transportation provided to nondisabled children. If a public agency transports nondisabled children, it must transport disabled children under the same terms and conditions.

However, if a child's IEP team determines that the child does not need transportation as a related service, and the public agency transports only those children whose IEPs specify transportation

as a related service, and does not transport nondisabled children, the public agency would not be required to provide transportation to a disabled child.

It should be assumed that most children with disabilities receive the same transportation services as nondisabled children. For some children with disabilities, integrated transportation may be achieved by providing needed accommodations such as lifts and other equipment adaptations on regular school transportation vehicles.

**35. Must the IEP specify the amount of services or may it simply list the services to be provided?**

The amount of services to be provided must be stated in the IEP, so that the level of the agency's commitment of resources will be clear to parents and other IEP team members. (§300.347(a)(6)). The amount of time to be committed to each of the various services to be provided must be (1) appropriate to the specific service, and (2) stated in the IEP in a manner that is clear to all who are involved in both the development and implementation of the IEP.

The amount of a special education or related service to be provided to a child may be stated in the IEP as a range (e.g., speech therapy to be provided three times per week for 30-45 minutes per session) only if the IEP team determines that stating the amount of services as a range is necessary to meet the unique needs of the child. For example, it would be appropriate for the IEP to specify, based upon the IEP team's determination of the student's unique needs, that particular services are needed only under specific circumstances, such as the occurrence of a seizure or of a particular behavior. A range may not be used because of personnel shortages or uncertainty regarding the availability of staff.



Office of Public Instruction  
Linda McCulloch,  
Superintendent  
PO Box 202501  
Helena, MT 59620-2501

# Individualized Education Program

## STUDENT INFORMATION

Student's Name	Initials	Birth Date	Age	Sex	Grade	Today's Date
Parent/Guardian Name	Parent/Guardian Address				Home Phone	
					Work Phone	
School	Next Comprehensive Reevaluation Date					
IEP Manager and Phone Number			Duration of IEP From: To:			

## Optional Child Count Information

Disability Category	Race and Ethnicity
---------------------	--------------------

## STUDENT'S STRENGTHS, PROGRESS, AND NEEDS

Summarize information from the parents and staff regarding strengths of the child and progress toward previous goals and objectives. State concerns and/or needs for enhancing the education of the child. Include the parents' perspective and insight pertaining to their child's learning strategies, social skills, interests, and any existing medical diagnoses that are important contributions to creating a description of the whole student. Consider the results of the most recent evaluations and, as appropriate, the results of the child's performance on any state or districtwide assessment programs.

### • Strengths

Parents: \_\_\_\_\_

Student: \_\_\_\_\_

School Staff: \_\_\_\_\_

### • Progress on Previous Interventions or Previous Goals and Objectives

Parents: \_\_\_\_\_

Student: \_\_\_\_\_

School Staff: \_\_\_\_\_

### • Needs/Concerns

Parents: \_\_\_\_\_

Student: \_\_\_\_\_

School Staff: \_\_\_\_\_

Student Name: \_\_\_\_\_

IEP Date: \_\_\_\_\_

### CONSIDERATION OF SPECIAL FACTORS

- |                                                                                                                                                                                                                                                                                                                                                                                       | YES                      | NO                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|
| • Does the student's behavior impede his/her learning or that of others?                                                                                                                                                                                                                                                                                                              | <input type="checkbox"/> | <input type="checkbox"/> |
| • Has the student been determined to be "Limited English Proficient"?                                                                                                                                                                                                                                                                                                                 | <input type="checkbox"/> | <input type="checkbox"/> |
| • Does the student have communication needs?                                                                                                                                                                                                                                                                                                                                          | <input type="checkbox"/> | <input type="checkbox"/> |
| (In the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode.) |                          |                          |
| • Does the student require assistive technology devices or services?                                                                                                                                                                                                                                                                                                                  | <input type="checkbox"/> | <input type="checkbox"/> |

**Any item checked "Yes" must be addressed in the IEP.**

### FOR A STUDENT WITH BLINDNESS OR VISUAL IMPAIRMENT

☐ N/A

- |                                                                                                                                                                                          | YES                      | NO                       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|
| • Does the student need training in orientation and mobility within his/her environment?                                                                                                 | <input type="checkbox"/> | <input type="checkbox"/> |
| <b><u>If "Yes" is checked</u></b> , training must be addressed in the IEP.                                                                                                               |                          |                          |
| • Does the student need instruction in Braille or the use of Braille?                                                                                                                    | <input type="checkbox"/> | <input type="checkbox"/> |
| <b><u>If "No" is checked</u></b> , describe in the Minutes Addendum why instruction in Braille or the use of Braille is not appropriate. (Decision must be based on evaluation results.) |                          |                          |

### PARTICIPATION IN STATE/DISTRICTWIDE ASSESSMENTS

- ☐ State/Districtwide assessments are not being conducted during the term of this IEP.
- ☐ The student will participate in the State/Districtwide assessment **without accommodations.**
- ☐ The student will participate in the State/Districtwide assessment **with standard or nonstandard accommodations as specified in the IEP:**
- \_\_\_\_\_
- \_\_\_\_\_
- ☐ The student will participate in Statewide assessment using the Montana Alternate Assessment Scale. Describe why the ITBS/ITED, even with standard or nonstandard accommodations, is not appropriate for the student:
- \_\_\_\_\_
- \_\_\_\_\_
- Describe how the student will participate in an **alternate Districtwide** assessment: \_\_\_\_\_

### EXTENDED SCHOOL YEAR

- ☐ Extended School Year services **are necessary** for the student.
- ☐ Extended School Year services **are not necessary** for the student.
- ☐ In order to make this determination, the IEP team needs to collect additional data and meet again by: \_\_\_\_\_

<b>Student Name:</b> _____ <b>IEP Date:</b> _____	
<b>Special Education Service Area:</b> _____ (e.g., math, reading, social/behavioral, travel training, Braille instruction)	
<b>Present Level of Educational Performance:</b> State the student's present level of educational performance and how the disability affects involvement and progress in general curriculum or, for preschool children, involvement in appropriate activities. ( <u>Test scores alone are insufficient.</u> )	
<b>Measurable Annual Goal:</b> (# ____ ) There are four critical characteristics of a well-written Annual Goal: it is meaningful, measurable, able to be monitored, and useful in making decisions.	
<b>Benchmarks or Short-Term Objectives:</b> These provide a reference point for progress toward the annual goal. (Mark <input checked="" type="checkbox"/> only if the benchmark or short-term objective will be part of an Extended School Year service.)	<b>ESY</b>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
Progress must be reported at least as often as progress is reported to parents of nondisabled children. How will the parents or adult student be informed of progress toward the annual goals and the extent to which that progress is sufficient to enable the child to achieve the annual goals by the end of the year? _____ _____	
• How often will progress reports be sent to the parent? <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <span><input type="checkbox"/> mid-term</span> <span><input type="checkbox"/> quarterly</span> <span><input type="checkbox"/> semester</span> <span><input type="checkbox"/> other: _____</span> </div>	



Student Name: _____		IEP DATE: _____		
<b>PARTICIPATION IN THE GENERAL EDUCATION PROGRAM</b>				
<p>Does the student participate 100 percent of the time in the General Education Program, including extracurricular and nonacademic programs?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p>If <b>No</b>, explain why the student will not participate full time in general education, including nonacademic/extracurricular activities:</p> <p>_____</p>				
<b>GENERAL EDUCATION ACCOMMODATIONS/MODIFICATIONS</b>				
Academics and Nonacademics where accommodations, modifications are needed.	Accommodations, modifications, supplementary aids, or other forms of support for the <u>student</u> to be involved in and progress in the general education curriculum:			
Program modifications or supports for <u>school personnel</u> :				
<b>SPECIAL EDUCATION AND RELATED SERVICES</b>				
Special Education and Related Service	Hours per week in Special Education Setting	Special Education Hours per week in General Education Setting	Total Hours per week	Dates of Service (if different from Duration of IEP)
<b>Total Hours:</b>				
If the student's school day or week is shorter or longer than peers without disabilities, explain why:				

Student Name: \_\_\_\_\_ IEP Date: \_\_\_\_\_

### IEP ACCESSIBILITY AND RESPONSIBILITIES

How will each regular education teacher, special education teacher, related service provider, and other service providers working with this student be informed of his or her specific responsibilities related to implementing this IEP and the specific accommodations, modifications, and supports that must be provided for this student?

### DOCUMENTATION OF PARTICIPATION

The following persons, as indicated by their signatures, have participated in the development of this IEP:

Parent/Guardian/Surrogate	Date	Parent/Guardian/Surrogate
Student	Date	Speech/Language Pathologist
Administrator or Designee	Date	Signature/Position
Regular Education Teacher	Date	Signature/Position
Special Education Teacher	Date	Signature/Position
School Psychologist	Date	Signature/Position

### PARENTAL RIGHTS AND APPROVAL

I have read and understand my rights as provided to me at the time of notice of the IEP meeting in the pamphlet titled PARENTAL RIGHTS IN SPECIAL EDUCATION. The public agency shall give the parent a copy of the child's IEP at no cost to the parent.

- ☐ I approve of this Individualized Education Program.
- ☐ I approve of this Individualized Education Program with the following exceptions\*: \_\_\_\_\_

\*The IEP team agrees to meet again on \_\_\_\_\_ (date) to resolve our differences regarding the above exceptions.

\_\_\_\_\_  
Parent/Guardian/Surrogate/Adult Student

\_\_\_\_\_  
Date

## IEP MINUTES

Student Name: \_\_\_\_\_

IEP Date: \_\_\_\_\_

## STATEMENT OF TRANSITION SERVICE NEEDS

For **ALL** students beginning at age 14 (or younger, if determined appropriate by the IEP team).

Student Name: \_\_\_\_\_ IEP Date: \_\_\_\_\_

*If the student turns 14 during this IEP term, transition services must be included in the IEP by the student's 14th birthday.*

### STUDENT'S PREFERENCES AND INTERESTS:

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### STUDENT'S DESIRED POST-SCHOOL GOALS:

(in the areas of employment, adult living, post-secondary education and vocational training, community participation)

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### PRESENT LEVELS OF EDUCATIONAL PERFORMANCE RELATED TO TRANSITION:

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### LONG-RANGE EDUCATIONAL PLAN:

Provide a course of study (a multi-year description of the educational program) that will:

- be meaningful to the student's future and motivate the student to complete his/her education; and
- directly relate to the student's anticipated post-school goals and the student's preferences and interests.

(review and revise annually)

Anticipated Graduation Date: \_\_\_\_\_

School Year _____	Credit _____	School Year _____	Credit _____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
TOTAL	_____	TOTAL	_____
School Year _____	Credit _____	School Year _____	Credit _____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
TOTAL	_____	TOTAL	_____

Total number of credits required for graduation: \_\_\_\_\_

## STATEMENT OF NEEDED TRANSITION SERVICES

For ALL students beginning at age 16 (or younger, if determined appropriate by the IEP team).

Student Name: \_\_\_\_\_ IEP Date: \_\_\_\_\_

*If the student turns 16 during this IEP term, the statement of needed transition services must be included in the IEP by the student's 16th birthday.*

### COORDINATED ACTIVITIES/STRATEGIES AND INTERAGENCY RESPONSIBILITIES AND LINKAGES

Describe a coordinated set of activities designed within an outcome-oriented process that will:

- a. directly relate to the student's anticipated post-school goals and the student's preferences and interests; and
- b. promote movement from school to post-school settings and activities. (review and revise annually)

Check if discussed and <b>not needed</b>	TRANSITION SERVICES	ACTIVITIES/ STRATEGIES	PERSON RESPONSIBLE/ AGENCY/PAYER	OUTCOMES & TIMELINES	IEP GOAL # (special ed. services only)
<input type="checkbox"/>	INSTRUCTION				
<input type="checkbox"/>	EMPLOYMENT				
<input type="checkbox"/>	COMMUNITY EXPERIENCES				
<input type="checkbox"/>	POST-SCHOOL ADULT LIVING				
<input type="checkbox"/>	RELATED SERVICES				
<input type="checkbox"/>	DAILY LIVING				
<input type="checkbox"/>	FUNCTIONAL VOCATIONAL ASSESSMENT				
Agencies invited to the IEP meeting that did not send a representative:			Steps taken to ensure agency participation in planning if a representative did NOT attend:		

### TRANSFER OF RIGHTS AT AGE OF MAJORITY

The student has been informed of his or her rights under IDEA that will transfer to the student on reaching the age of majority. The student must be informed at least one year before the student reaches age 18.

Date student was informed of the transfer of rights: \_\_\_\_\_ Date student reaches the age of majority: \_\_\_\_\_



**Office of Public Instruction**  
PO Box 202501  
Helena, MT 59620-2501

## Review of Existing Evaluation Data

Student's Name	Initials	Birthdate	Today's Date	Next 3-year Comprehensive Reevaluation Due
Parent/Guardian Name	IEP Manager (Contact for parent) and Phone Number			School

The purpose of the review of existing evaluation data is to identify what, if any, additional data are needed to determine:

- Whether the student has or continues to have a disability;
- The present levels of performance and educational needs of the student;
- Whether the child needs or continues to need special education and related services; and
- Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the Individualized Education Program of the child and to participate, as appropriate, in the general curriculum.

The following existing evaluation data were reviewed:

Current Classroom-Based Assessments and Observations

Teacher and Related Services Providers' Observations

Evaluations and Information provided by the parents of the student

Other: \_\_\_\_\_

Other: \_\_\_\_\_

Based on the review of the existing evaluation data, the IEP Team and other qualified professionals have determined that:

- ☐ Additional data are not needed to determine whether the student continues to be a student with a disability. Reason for determination: \_\_\_\_\_

As the parent, you have the right to request an assessment to determine whether your child continues to be a student with a disability. The school district shall not be required to conduct such an assessment unless requested by the child's parents.

- ☐ Additional data are needed to determine whether the student continues to be a student with a disability. Additional data is needed for the following reason(s): \_\_\_\_\_

The IEP Team may conduct the Review of Existing Evaluation Data without a meeting.

**The following persons, as indicated by their signatures, have participated in the Review of Existing Evaluation Data.**

\_\_\_\_\_  
Parent/Guardian/Surrogate Date

\_\_\_\_\_  
School Psychologist

\_\_\_\_\_  
Parent/Guardian/Surrogate Date

\_\_\_\_\_  
Speech/Language Pathologist

\_\_\_\_\_  
Student Date

\_\_\_\_\_  
Signature/Position

\_\_\_\_\_  
Administrator or Designee Date

\_\_\_\_\_  
Signature/Position

\_\_\_\_\_  
Regular Education Teacher Date

\_\_\_\_\_  
Signature /Position

\_\_\_\_\_  
Special Education Teacher Date

## Student Accommodation/Modifications

In order to help this student be successful, you need to be informed of your specific responsibilities related to this student and the accommodations, modifications and supports that must be provided for \_\_\_\_\_ (student name). If you have any questions or need further information, please talk to \_\_\_\_\_.

This student's strengths are:

These are the accommodations, modifications and supports that must be provided:

The following persons have been informed of their specific responsibilities related to this student and the accommodations, modifications and supports that must be provided.

<u>Name</u>	<u>Subject/Responsibility Area</u>	<u>Date</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
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_____	_____	_____

# IEP PROGRESS REPORT

Student: \_\_\_\_\_ IEP Dated: \_\_\_\_\_

Special Education Teacher/Service Provider: \_\_\_\_\_  
Phone/Email: \_\_\_\_\_

**The following is a report on your child's progress toward the annual goals identified in her or his IEP. If you have questions, please contact the person identified above.**

Annual Goal #\_\_\_\_

Annual Goal:

---

Date: \_\_\_\_\_ Progress is:    ☐ Excellent    ☐ Satisfactory    ☐ Unsatisfactory

Is the progress sufficient to achieve the Annual Goal?   ☐ YES    ☐ NO

Comments:

---

Date: \_\_\_\_\_ Progress is:    ☐ Excellent    ☐ Satisfactory    ☐ Unsatisfactory

Is the progress sufficient to achieve the Annual Goal?   ☐ YES    ☐ NO

Comments:

---

Date: \_\_\_\_\_ Progress is:    ☐ Excellent    ☐ Satisfactory    ☐ Unsatisfactory

Is the progress sufficient to achieve the Annual Goal?   ☐ YES    ☐ NO

Comments:

---

Date: \_\_\_\_\_ Progress is:    ☐ Excellent    ☐ Satisfactory    ☐ Unsatisfactory

Is the progress sufficient to achieve the Annual Goal?   ☐ YES    ☐ NO

Comments:



## MEASURABLE ANNUAL GOALS, BENCHMARKS, AND SHORT-TERM OBJECTIVES

### What are measurable Annual goals?

Annual goals set the general direction for instruction and assist in determining the specific courses, experiences, and skills a student will need. There is a direct relationship between the goal and the needs identified in the Present Level of Educational Performance (PLEP). Goals are also descriptions of what a student can reasonably be expected to accomplish within a 12-month period with the provision of special education services. Goals should be written to increase the student's successful participation in the general curriculum and meet the needs that result from the disability. *There are four critical characteristics of a well-written goal: it is meaningful, measurable, able to be monitored, and useful in making decisions.*

#### Components of a Goal

- Conditions
  - ✓ Time, situation, materials
- Behavior
  - ✓ Task described is observable
- Criterion
  - ✓ Measures the effectiveness of the goal
  - ✓ Sets the standard for monitoring
- Student
  - ✓ The learner

**Use a format:** Under what conditions, name of learner, **will** name of behavior to a specific criterion.

#### **Examples:**

- ◆ In 32 weeks, across all settings, Ian will identify 20 major warning words and symbols (e.g., Stop, Poison, Danger, Hazard, etc.) with 95% accuracy and will identify appropriate actions to take when these words are seen with 100% accuracy.
- ◆ In 30 weeks, when given a direct verbal direction by an adult, Joe will begin to comply with the direction within 10 seconds on 80% of opportunities for 3 consecutive data days.

Gratitude is extended to the Nebraska Department of Education for permission to use the following content from the publication “Setting Goals...Achieving Results.”

**Writing Benchmarks (Major Milestones)  
or  
Short-term Objectives (Intermediate Steps)**

Once the IEP team has developed measurable annual goals for a child the team must develop either measurable intermediate steps (short-term objectives) or major milestones (benchmarks) that will enable parents, students, and educators to monitor progress during the year, and, if appropriate, to revise the IEP consistent with the student's instructional needs. They are the links for accomplishing the goal. Benchmarks and short-term objectives provide a reference point for progress toward the annual goal and are the basis for developing a detailed instructional plan for the student.

**Benchmarks** may be written by stating the content to be learned, or the skills to be performed. They can be general measurable statements representing a milestone, and can be thought of as describing the amount of progress the child is expected to make within specified segments of the year. To determine whether a benchmark (major milestone) is appropriate or not, make sure it is measurable, represents expectations, is developmentally appropriate, and relates to progress on the goal.

**Short-term Objectives** are intermediate steps between a student's present level of educational performance and the annual goals established for the student. Their development is based on a logical breakdown of the major components of the annual goals and they measure progress toward meeting the goals.

**Benchmarks (Major Milestones)**

- ◆ Measurable
- ◆ General statement represents milestones to goal
- ◆ Represent progress toward the goal

**Short-term Objectives (Intermediate Steps)**

- ◆ Measurable
- ◆ Specific measurable component of the goal
- ◆ Represent progress toward the goal

## **Examples:**

### **1. PLEP→Goal→Short-term Objectives**

#### **PLEP:**

As of 9/30/99, when given a choice of topics, Shane writes a weekly journal entry in the regular classroom scoring 7 out of 50 points, as compared to his classmates who averaged 36 points, using the fourth-grade rubric which measures fluency, content and mechanics. Shane has difficulty with punctuation, sentence structure and composition of an idea.

#### **Goal:**

In 30 weeks, when given a choice of topics, Shane will write a weekly journal entry in the regular classroom setting scoring 40/50 points for a period of four consecutive weeks using the fourth-grade written language rubric.

#### **Objectives:**

- ◆ When given a choice of topics, Shane will write ten complete sentences in his journal entry in the regular classroom setting using three different sentence types four out of five entries.
- ◆ Shane will proofread a journal entry finding all punctuation, spelling, capitalization and sentence errors for eight out of ten entries.

### **2. PLEP→Annual Goal→Benchmarks**

#### **PLEP:**

John displays difficulties writing his thoughts on paper. He has creative ideas, but does not understand sentence construction or how to develop paragraphs. He needs to use punctuation and capitalization consistently. John received 12 out of 50 points on the district's assessment for expressive writing. He needs to write the four different sentence types (simple, compound, complex, and compound-complex) correctly and integrate them into a paragraph.

#### **Annual Goal:**

In 36 weeks, John will write at least a six-sentence paragraph using at least three different sentence types scoring 45 out of 50 on the writing rubric.

#### **Benchmarks:**

- ◆ write simple sentences
- ◆ write compound sentences
- ◆ write complex sentences
- ◆ write compound-complex sentences

## **How do we know we are doing it right?**

- ✓ Goals are related to meeting the student's needs in order to meet the child's needs that result from the disability and enable him/her to be involved in and progress in the general curriculum.
- ✓ Goals are measurable, meaningful, able to be monitored, and useful in making decisions.
- ✓ Goals are statements related to needs identified in the PLEP.
- ✓ Goals are statements of anticipated results to be achieved in a year.
- ✓ Progress indicators (benchmarks [major milestones] or short-term objectives) are written for each goal.
- ✓ Goals and short-term objectives/benchmarks must be written so they can pass the "Stranger Test." In other words, they must be written so someone who did not write it could use it to develop appropriate instructional plans and assess student progress.
- ✓ Goals must also pass the "So What Test," meaning that the team considers how valid the goal, short-term objective, or benchmark is. In conducting the "So What Test" the IEP team must answer the following question, "Is the skill indicated in this goal, short-term objective/benchmark really an important skill for the student to learn?"

Technical Assistance guides are developed by the Division of Special Education to provide guidance to schools, parents and advocates regarding eligibility for and the implementation of services to students with disabilities under the Individuals with Disabilities Education Act, the Administrative Rules of Montana, and Montana statutes.

This document contains recommended practices and procedures that may enhance the services to children and youth with disabilities. All policy statements regarding the delivery of special education and related services are contained in the current *Montana State Plan Under the Individuals with Disabilities Education Act*.